

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

(I) Nanoparticles (N) selected from metals, compounds of metals, and organic compounds which are on p. 22 of the specification.

(II) The inert spacer group (G1b) having an organic radical R that have divalent functional groups which are on p. 7 of the specification.

(III) The functional reactive group (G1c) selected from thermally activable functional reactive groups such as epoxides and blocked isocyanates which are on p. 8 of the specification and actinic radiation activable functional reactive groups which are disclosed on p. 10.

(IV) The modifying groups (G3a) which are on p.12 of the specification and claim 9 of the instant invention.

(V) The functional reactive groups (M3a) which are on p. 15 of the specification.

Applicant is required, in reply to this action, to elect a single species for each of N, G1b, G1c, G3a, and M3a to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is

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allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

- (I) Nanoparticles (N) – claims 1-38 and 40.
- (II) The inert spacer group (G1b) – claims 1-38 and 40.
- (III) The functional reactive group (G1c) - claims 1-38 and 40.
- (IV) The modifying groups (G3a) – claims 2, 9, and 35.
- (V) The functional reactive groups (M3a) - claims 24, 20, and 21.

The following claim(s) are generic: None.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The nanoparticles (N) selected from metals, compounds of metals, and organic compounds does not have a common property and does not have a common structure as required by MPEP 1850 therefore it lacks unity. The inert spacer group (G1b) having an organic radical R that have divalent functional groups which are on p. 7 of the specification are compounds that does not have a common property or activity and a common structure as required by MPEP 1850 therefore it lacks unity. The functional reactive group (G1c) are epoxides and blocked isocyanates which are on p. 8 of the specification are compounds that does not have a common property or activity and a common structure as required by MPEP 1850 therefore it lacks unity. The modifying groups (G3a) which are on p.12 of the specification and claim 9 of the instant invention are compounds that do not have a common property or activity and a common structure as required by MPEP 1850 therefore it lacks unity. The functional reactive groups (M3a) which are on p. 15 of the specification are compounds that do not have compounds that do not have a common property or activity and a common structure as required by MPEP 1850 therefore it lacks unity.

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4. In view of the number of groups and number of species, a telephonic election was not attempted.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVE VALDEZ whose telephone number is (571)270-7738. The examiner can normally be reached on Mon-Thurs, 7:30pm-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEVE VALDEZ/

/Rabon Sergent/
Primary Examiner, Art Unit 1796